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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,079	11/19/2003	Kevin F. Wesling	RS151	1078
23470	7590	05/04/2006		
SRAM CORPORATION 1333 N. KINGSBURY, 4TH FLOOR CHICAGO, IL 60622			EXAMINER YEAGLEY, DANIEL S	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,079	Applicant(s) WESLING ET AL.	
	Examiner Daniel Yeagley	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) 41-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/27/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferrel '186.

Ferrel shows a lockout mechanism (figure 1) comprising a valve mechanism, a valve actuating assembly and a resilient member 58 being disposed between the valve mechanism and a valve mechanism housing, such that the valve mechanism is slidably mounted along the housing and separates a first fluid chamber 32 from a second fluid chamber 34 (figure 2) and controls the fluid flow therebetween as claimed, wherein the valve actuating assembly (at numeral 40) operably switches the valve mechanism between an open and a closed position that blocks fluid flow between the first and second fluid chambers with the resilient member configured to be deformable by the valve mechanism as the valve mechanism is slidably displaced by an increasing pressure in the first fluid chamber that biases the valve mechanism in a direction toward the closed position (figure 2) and collides against the valve actuating assembly (stop member 56 and a driver 36) when a blow-off pressure is reached in the first fluid chamber and switches the valve mechanism from a closed position to an open position (figure 3), wherein the valve mechanism comprises a valve 50 which is displaceable relative to a valve seat 52 that is switchable between an open and closed position to block fluid flow between the first and second fluid chambers, the valve being positionable against the valve seat in the closed

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position (figure 2) and displaceable with respect to the valve seat by an increasing pressure in the first fluid chamber when a blow-off pressure (surge pressure) is reached in the first fluid chamber as claimed, having the resilient member disposed between the valve seat and the housing being deformable by the valve mechanism as the valve mechanism is slidably displaced by an increasing pressure in the first fluid chamber, and includes a seal 62 and a (seat 30) disposed between the valve mechanism and valve seat and the valve mechanism housing, wherein the valve mechanism housing forms a portion of a first hollow tube 14 with a compression piston assembly being slidably mounted in the first hollow tube and displaceable relative thereto to increase the pressure in the first fluid chamber, such that the valve mechanism housing forms a portion of the compression piston assembly with a second hollow tube 12 in fluid communication with the first hollow tube that forms a portion of the second hollow tube, the valve actuating assembly being operably mounted to and displaceable relative to the valve mechanism housing and wherein the actuator assembly comprising a knob (at numeral 40) which is operably connected to an actuator with a cam means that operatively engages a follower connected to the driver 36 (figure 1-3), wherein a valve stem (portion on numeral 52) is configured to collide against the driver and the valve seat and resilient member are considered to be formed integrally, and further discloses a valve spring associated with the valve stem which bias the valve head against the valve seat in a closed position with the valve spring configured to bias the valve against a valve seat in a closed position as broadly claimed.

Response to Arguments

3. Applicant's arguments with respect to claims 1 – 40 have been considered but are moot in view of the new ground(s) of rejection. The newly discovered reference pertaining to Ferrel is cited as more closely replicating the internal workings of applicants invention which are operably utilized in a housing of a shock absorbing system to adjustable suspend a shock sustained within the system as broadly claimed.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gonzalez '858, '719 and 675, Whisler '986, Honig et al '914, and 414 and Heckethorn '051 show various slidable valve mechanisms in a suspension system.

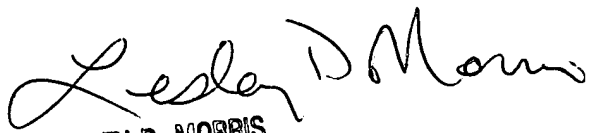
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.


LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600